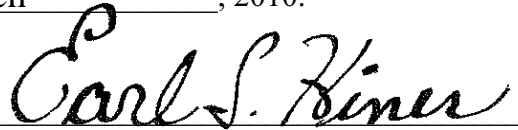


It is not clear from the face of the petition that petitioner's claims lack merit, and there is no indication that the petitioner has engaged in intentionally dilatory litigation tactics. Petitioner alleges

that he filed the motion for DNA testing in a timely manner, but has yet to receive a ruling. It is accordingly

**ORDERED** that petitioner's motion to stay and hold the petition in abeyance (document no. 10) is **GRANTED**. The petition is **ADMINISTRATIVELY CLOSED** until such time as the state courts rule on petitioner's motion for DNA testing.

**SIGNED** this 10 day of March, 2010.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

EARL S. HINES

UNITED STATES MAGISTRATE JUDGE